7 October 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR LUI FORTE**

**Date of hearing:** 6 October 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Lui Forte represented himself.

**Charge:** Greyhounds Australasia Rule (GAR) 83(1A) states:

A person who –

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or
3. has prior knowledge of a prohibited substance being administered to a greyhound

which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

**Particulars of charge: Charge 1**

1. You were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. “*Here Runs Emilia*” was presented for, and competed in, Race 2, No.1 CAR WASH -SALE, Maiden, conducted by the Sale Greyhound Racing Club at Sale on 19 September 2019 (**the Event**).
3. You administered to “*Here Runs Emilia*”, a prohibited substance, being Diclofenac, which was detected in a sample taken from “*Here Runs Emilia*”, in that:
4. You administered a product containing Diclofenac namely Voltaren Gel, to “*Here Runs Emilia*” on or about 17 September 2019;
5. A pre-race sample of urine was taken from “*Here Runs Emilia*” at the Event (**the Sample**); and
6. Diclofenac was detected in the Sample

**Charge 2**

1. You were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. “*Here Runs Emilia*” was presented for, and competed in, Race 1, PUND & ASSOCIATES, Maiden, conducted by the Sale Greyhound Racing Club at Sale on 6 October 2019 (**the Event**).
3. You administered to “Here Runs Emilia”, a prohibited substance, being Diclofenac, which was detected in a sample taken from “*Here Runs Emilia*”, in that:
4. You administered a product containing Diclofenac, namely Voltaren Gel, to “*Here Runs Emilia*” on or about 4 October 2019;
5. A post-race sample of urine was taken from “*Here Runs Emilia*” at the Event (**the Sample**); and
6. Diclofenac was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. This decision is to be read together with the decision in the matter of Ms Forte. The facts so far as they concern Mr Forte are sufficiently stated in that decision. Although Ms Forte had only been training for 4 years at the time of the offences, Mr Forte had been training for many years.
2. Mr Forte has been charged with administration offences in respect of the two Sale events. He has pleaded guilty to those charges. We intend to impose a penalty only on the first charge because he did not become aware of Voltaren being a prohibited substance until after the Stewards’ visited concerning the September event in late October 2019.
3. Taking into account Mr Forte’s good record over a long period of time, his guilty pleas and his application of Voltaren at the request of his daughter, we impose a penalty of $750 with $500 suspended for 12 months. But for Mr Forte’s long history in the industry without prohibited substance transgressions, the fine would have been higher.

Mark Howard
Registrar, Victorian Racing Tribunal